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MEDIA CONTACTS
Carmenlita Chief | 928.255.3428
Jared Touchin | 928.221.9253
nnlb.communications@gmail.com

Health, Education, and Human Services Committee
dialogues on proposed Navajo Nation Junk Food Tax Act of 2013
Committee tables legislation until work session is held on the topic

WINDOW ROCK – On Apr. 3, the Health, Education, and Human Services Committee considered Legislation No. 0085-13, a bill proposing to amend Title 24 of the Navajo Nation Code to allow for a 2 percent sales tax on junk food and to eliminate the sales tax on fresh fruits and vegetables.

Legislation co-sponsor Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin) began the discussion by relating the purpose of the legislation to his own personal life.

“A year ago, I probably wouldn’t have signed off on a bill like this,” said Delegate Nez. “But at one point in my life, I realized that a lot of foods out there are not healthy, and in order to change my life I had to get away from those unhealthy foods.”

Nez shared that he has lost 100 pounds since changing his eating habits, attributing much of his weight loss to exercising and taking part in the Navajo Nation’s “Just Move It” program.

The generated tax revenue could raise substantial sums of money to benefit programs that are facing sequestration budget cuts, Delegate Nez said, and the tax also encourages local communities to be more self-determined and self-sufficient.

Although HEHSC members expressed strong support for the general promotion of healthier lifestyles, several questions and concerns were raised on the possibility of imposing additional taxes on Diné people.

“We have all been negatively affected by diabetes, whether it’s a family member or our chapter members, but this should be in the form of a referendum. Let the people decide if they want to impose this tax upon themselves,” said Council Delegate Joshua Lavar Butler (Tó Nanees Dizi).

“This law imposes a tax on the working poor, and it is a form of totalitarianism,” Delegate Butler added. “We are exercising control over the personal freedom of our citizens and infringing upon the personal choices and decisions of our Navajo people.”

Offering his perspective on the issue, HEHSC member Council Delegate Kenneth Maryboy (Mexican Water, Aneth, Teec Nos Pos, Tófikan, Red Mesa) recalled the day when he was diagnosed with diabetes.

“I took it very hard. It hit me broadside when I was told that I’m a diabetic,” said Delegate Maryboy. “Your world shatters when you’re told, but you have to take care of yourself.”

Other forms of economic development should be explored, said Delegate Maryboy, other than the promotion of fast-food chains that often offer unhealthy foods.

Delegate Nez referenced a recent unsuccessful attempt by New York City Mayor Michael Bloomberg to ban “sugary beverages” larger than 16 ounces in New York City.

“There’s litigation on the East Coast about similar issues,” said Delegate Nez. “We are a sovereign nation. We could really take charge and provide an example for other tribal communities by promoting this type of initiative.”

HEHSC chair Council Delegate Jonathan Hale (Oak Springs, St. Michaels) reminded the committee that 100 percent of the proposed tax revenue collected would go directly to chapters for community wellness projects.

Chapters will decide how to use the revenue, said Delegate Hale.

HEHSC member Delegate Witherspoon questioned whether a 2 percent sales tax would be enough to change the behavior of “junk food” consumers, and pointed out that the tax purpose might be defeated if consumers decide to purchase “junk food” from border towns to avoid paying the tax.

HEHSC member Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii) said while he supports the overall goal of encouraging people to eat healthier foods, he cannot support the legislation as it is written, because it would establish a tax without a plan on how chapters will spend the tax revenue.

“I don’t think we should just tax and spend,” said Delegate Phelps. “We should have specific objectives with specific timelines, and this legislation does not do that.”

Delegate Phelps suggested the inclusion of a sunset clause in the legislation that would eliminate the tax once established goals are accomplished.

“How about we just pass a resolution to take the tax off fruits and vegetables,” asked Delegate Phelps. “I really like that part of this legislation.”

After nearly two hours of discussion, HEHSC members decided to hold a work session to explore and address the issues and concerns that were brought forth.

HEHSC members voted 4-0 to table the legislation until a work session takes place.

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